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United States of America  
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9 IN THE UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 JORGE CHAVEZ,  
15 Defendant.  
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CASE NO. 1:20-CR-00182-NONE-SKO;  
1:13-CR-00215-DAD-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: May 5, 2021  
TIME: 1:00 p.m.  
COURT: Hon. Magistrate Judge Sheila K. Oberto

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
19 through defendant's counsel of record, hereby stipulate as follows:

- 20 1. By previous order, this matter was scheduled for a status conference on May 5, 2021.
- 21 2. By this stipulation, the parties move to continue the status conference until June 30, 2021,  
22 or the Court's earliest convenience, and to exclude time from calculation under the Speedy Trial Act  
23 between May 5, 2021, and June 30, 2021.
- 24 3. The parties agree and stipulate, and request that the Court find the following:
- 25 a) On December 22, 2020, the Court entered an order on the government's *ex parte*  
26 application to disclose portions of certain orders authorizing the interception of wire and  
27 electronic communications, the accompanying applications, affidavits, and recordings, relevant  
28 to this case. CR 11. Consistent with this order, the government prepared redacted copies of

1 relevant filings and associated discovery materials numbering approximately 270 pages and  
2 produced and made available for defense counsel's inspection and copying these materials.

3 b) Counsel for defendant desires additional time to review discovery, consult with  
4 his client, conduct investigation and research related to the charges, and to otherwise prepare for  
5 trial. Separately, the government transmitted a plea offer to defense counsel on February 26,  
6 2021, and defense counsel requires additional time to review discovery in light of the plea offer.

7 c) Counsel for defendant believes that failure to grant the above-requested  
8 continuance would deny him the reasonable time necessary for effective preparation, taking into  
9 account the exercise of due diligence.

10 d) Based on the above-stated findings, the ends of justice served by continuing the  
11 case as requested outweigh the interest of the public and the defendant in a trial within the  
12 original date prescribed by the Speedy Trial Act.

13 e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
14 et seq., within which trial must commence, the time period of May 5, 2021 to June 30, 2021,  
15 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), because it results  
16 from a continuance granted by the Court request on the basis of the Court's finding that the ends  
17 of justice served by taking such action outweigh the best interest of the public and the defendant  
18 in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act provide that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 27, 2021

PHILLIP A. TALBERT  
Acting United States Attorney

/s/ CHRISTOPHER D. BAKER  
CHRISTOPHER D. BAKER  
Assistant United States Attorney

Dated: April 27, 2021

/s/ RICHARD BESHWATE  
RICHARD BESHWATE  
Counsel for Defendant  
Jorge Chavez

## FINDINGS AND ORDER

DATED: 4/29/2021

/s/ SHEILA K. OBERTO

THE HONORABLE SHEILA K. OBERTO  
UNITED STATES MAGISTRATE JUDGE